

Administrative Rule Review – ARR18-128  
Legislative Service Office

AGENCY: Department of Environmental Quality

DATE SUBMITTED: February 19, 2019

SUBJECT: Solid Waste Permitting - Chapter 4 - Construction/Demolition Landfill Regs. (Construction and Demolition Landfill Regulations); Chapter 6 - Transfer, Treatment, and Storage Facility Regulations

NATURE OF RULES: Legislative, Procedural

STATUTORY AUTHORITY: W.S. 35-11-112(a)(i); 35-11-503(a).

DETERMINATION OF PROCEDURAL COMPLIANCE BASED UPON INFORMATION SUBMITTED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO LSO: Apparently complete to date.

SUMMARY OF RULES: The Department of Environmental Quality is updating Chapter 4 and Chapter 6 of the Solid Waste Rules and Regulations. The Department's changes are meant to eliminate obsolete and duplicative rules, update the rules to be consistent with current statutes, and streamline and simplify permitting for construction-and-demolition waste landfills and solid-waste facilities.

In Chapter 4, the Department has, among other things:

- Amended the permit terms and procedures for closure permits and operating permits, which will now be issued for the life of the facility through closure.
- Amended general requirements for closure-permit applications and general permit applications, including a requirement that all parts of the application that require geological services are work must be signed by a Wyoming-licensed professional geologist.
- Clarified that facility-location standards related to distances from surface waters are applicable to the location of new disposal units and lateral expansions and not to the location of the entire facility.
- Inserted rules on engineered containment systems and amended requirements for routine cover.
- Clarified that the solid-waste administrator of the Department has the discretion to specify assessment monitoring based on site-specific conditions.
- Clarified requirements for maintaining records through the post-closure period and that certain records must be maintained and available for inspection for three years.
- Inserted reporting standards and requirements to ensure that information is conveyed to the Department through annual reports instead of permit renewals, which are no longer required.
- Clarified that approved closure activities must begin not later than 30 days after final known receipt of wastes and must be completed within 180 days after commencement of closure.
- Inserted corrective-action standards, which specify that corrective action is complete when the owner or operator complies with groundwater-protection standards at all points of the contaminant plume that are beyond the relevant point of compliance.
- Inserted additional supporting-documentation requirements, including design details for engineered-containment systems and quality-assurance plans.

In Chapter 6, the Department has, among other things:

- Inserted rules regarding anticipated closures in order to eliminate closure permits for transfer, treatment, and storage facilities.
- Clarified that permits will be issued for the operating life of the facility through closure and completion of any required remediation activities.
- Clarified application requirements for low-hazard and low-volume facilities.
- Inserted a requirement for access agreements in accordance with W.S. 6-3-414.
- Eliminated incinerator standards and prohibitions related to facility siting in certain problem areas.
- Increased the buffer zone for the area around active solid-waste-management units and equipment.
- Eliminated monitoring-well permits.
- Clarified that records must be maintained for full-size and mobile fixed facilities.
- Inserted requirements for corrective-action standards and references to commercial solid-waste facility standards.

FINDINGS: The rules appear to be within the scope of statutory authority and legislative intent. Compliance with federal law has not been determined, as it is assumed that the Attorney General provides that review.

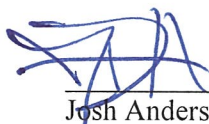
#### TECHNICAL NOTES:

- In Chapter 4, Section 2(b), the Department may wish to strike the comma after "Chapter 1" and may wish to insert a comma after "revised" (before "and updated").
- In Chapter 4, Section 2(c), the Department may wish to reinsert "of this chapter" after "Section 11" for clarity.
- In Chapter 4, Section 3, the Department may wish to renumber the subsections to omit subsection (i) for clarity (and consistency with the numbering convention used in statute).
- In Chapter 4, Section 4, the Department may wish to change "USC" to "U.S.C.".
- In Chapter 4, Section 6(b), the Department may wish to strike the comma after "sign".
- In Chapter 4, Section 6(d), the Department may wish to strike the comma after "signs".
- In Chapter 4, Section 7(b)(iii), the Department may wish to strike the comma after "Department".
- In Chapter 4, Section 7(b)(iv), the Department may wish to strike the comma after "employment".
- In Chapter 4, Section 7(v) and Section 11(e)(iii) and (vi) and (f), the Department may wish to move the sentences regarding application requirements to Section 2 of Chapter 4.
- In Chapter 4, Section 11(c), the Department may wish to replace "owner/operator" with "owner or operator" for clarity; the Department may wish to replace "its" with "their" before "successors".
- In Chapter 4, Section 11(d), the Department may wish to insert "of" after "minimum".
- In Chapter 4, Section 12(a)(iv)(C), the Department should delete the comma after "When".
- In Chapter 6, Section 2(d), the Department may wish to change "3-17" to "3 through 17" for clarity.
- In Chapter 6, Section 3(b), insert a colon after "facilities".
- In Chapter 6, Section 5(b), insert a colon after "facilities".
- In Chapter 6, Section 8(c)(iii), the Department may wish to insert "values" after "background" throughout the paragraph for consistency and clarity.
- In Chapter 6, Section 11(a), the colon after "standards" may need to be a period, or "Commencement and completion of closure" in (b)(intro) may need to be deleted for clarity.
- In Chapter 6, Section 13(b)(iii), the Department may wish to delete the comma after "structures".

STAFF RECOMMENDATION: That the rules be placed on the Consent List and approved by the Council as the Department has submitted them.

A handwritten signature in blue ink, appearing to read "Brian Fuller", written over a horizontal line.

Brian Fuller  
Staff Attorney

A handwritten signature in blue ink, appearing to read "Josh Anderson", written over a horizontal line.

Josh Anderson  
Senior Staff Attorney